

May 1, 2000

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

850 Union Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. **V-2396**
Proposed Ordinance No. **2000-0229**

JOHN AND SHERYL GRANT
Petition For Road Vacation

Road: A portion of Northeast 104th Street lying southerly of Farrel-McWhirter Park

Petitioners: John and Sheryl Grant, P.O. Box 3393, Redmond, WA 98073

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2396 was received by the Examiner on April 12, 2000.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2396 was opened by the Examiner at 9:32 a.m., April 27, 2000, in the Fifth Floor Conference Room, Union Bank of California Building, 900 Fourth Avenue, Seattle, Washington, and closed at 10:32 a.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County

Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location:	A portion of Northeast 104 th Street lying southerly of Farrel-McWhirter Park
Right of way classification:	"C" Class
Area:	7,830 square feet
Compensation:	\$10,844.55

2. This reference adopts and incorporates herein the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the April 27, 2000, public hearing and the statement of facts contained in Proposed Ordinance No. 2000-0229. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2000-0229 to vacate the subject road.

RECOMMENDED this 1st day of May, 2000.

R. S. Titus, Deputy

King County Hearing Examiner

TRANSMITTED this 1st day of May, 2000, to the following parties and interested persons:

AT & T Cable Services	Greg Borba	Roderick E. Matsuno
Steve Botts	Tommy Burdette	Ronald J. Paananen
Linda Gorremans	Don Ding	Dave Preugschat
John and Sheryl Grant	Thomas Eksten	Lydia Reynolds
GTE Telecommunications	Dennis Gorley	Faith Roland
John F. Phillips	Kristen Langley	Charlie Sundberg
		Joe Wilson

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before May 15, 2000. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before May 22, 2000. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE APRIL 27, 2000, PUBLIC HEARING ON KING COUNTY DEPARTMENT OF TRANSPORTATION FILE NO. V-2396, GRANT PETITION FOR ROAD VACATION:

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Tommy

Burdette and John Grant.

The following exhibits were offered and entered into the hearing record:

- Exhibit No.1 Report to the Hearing Examiner for the April 26, 2000 hearing, with 15 attachments.
- Exhibit No.2 Petition transmittal letter, dated February 23, 1999, to KC Department of Transportation, from Clerk of the Council
- Exhibit No.3 Petition for vacation of a County road including legal descriptions of petitioners' properties
- Exhibit No.4 Map depicting vacation area
- Exhibit No.5 Receipt #00152 for filing fee
- Exhibit No.6 Copy of Burke and Farrah's Kirkland Addition Plat map
- Exhibit No.7 Map depicting original vacation area
- Exhibit No.8 Map depicting revised vacation area
- Exhibit No.9 Vicinity map
- Exhibit No.10 Letter, dated March 25, 1999, from Road Services Division, informing petitioner of the road vacation process
- Exhibit No.11 Letter, dated March 30, 1999, from the City of Redmond, expressing an interest in the proposed vacation area and requesting additional information
- Exhibit No.12 Letter, dated April 9, 1999, from Road Services Division, to the City of Redmond, responding to the March 30, 1999 letter for additional information
- Exhibit No.13 Letter, dated April 13, 1999, from the City of Redmond, stating that the City would like to include the majority of Northeast 104th Street with the Farrel-McWhirter Park, with the western area of the right-of-way
- Exhibit No.14 Letter, dated April 14, 1999, from Road Services Division, informing petitioner of the City of Redmond's recommendation
- Exhibit No.15 Letter, dated April 27, 1999, from Road Services Division, to the City of Redmond, responding to the April 13, 1999 comments
- Exhibit No.16 Letter, dated May 21, 1999 from the City of Redmond, recommending approval of the vacation area, with the exception that the west 40 feet of the proposed vacation area remain public right-of-way for future trail plans
- Exhibit No.17 Road Vacation Worksheet V-2396, dated November 15, 1999
- Exhibit No.18 Letter, dated December 8, 1999, from the Department of Transportation, Road Services Division, to the King County Clerk of Council
- Exhibit No.19 Letter, dated December 27, 1999, to John and Sheryl Grant, from Road Services Division, identifying amount of compensation
- Exhibit No.20 E-mail response from the City of Redmond regarding an easement over the petitioner's property
- Exhibit No.21 Letter, dated March 22, 2000, from King County Executive, to Councilmember von Reichbauer, with proposed ordinance attached
- Exhibit No.22 Proposed Ordinance No. 2000-0229
- Exhibit No.23 Notice of hearing, with map attached
- Exhibit No.24 Affidavit of posting, with Notice of Hearing and map attached
- Exhibit No.25 Affidavit of publication
- Exhibit No.26 Letter, dated April 10, 2000, from KCDOT Road Services Division, to John and Sheryl Grant

Attachments